

## **Exhibit 2**

Page 1

1           IN THE UNITED STATES DISTRICT COURT  
2           FOR THE DISTRICT OF SOUTH CAROLINA  
3           COLUMBIA DIVISION

4           -----x  
5           THE SOUTH CAROLINA STATE  
6           CONFERENCE OF THE NAACP

7           and

8           TAIWAN SCOTT, ON BEHALF OF HIMSELF  
9           AND ALL OTHER SIMILARLY SITUATED  
10          PERSONS,

Case No.  
3:21-CV-03302  
JMC-TJH-RMG

11          Plaintiffs,

12          Vs.

13          THOMAS C. ALEXANDER, IN HIS OFFICIAL  
14          CAPACITY AS PRESIDENT OF THE SENATE;  
15          LUKE A. RANKIN, IN HIS OFFICIAL CAPACITY  
16          AS CHAIRMAN OF THE SENATE JUDICIARY  
17          COMMITTEE; MURRELL SMITH, IN HIS OFFICIAL  
18          CAPACITY AS SPEAKER OF THE HOUSE OF  
19          REPRESENTATIVES; CHRIS MURPHY, IN HIS  
20          OFFICIAL CAPACITY AS CHAIRMAN OF THE  
21          HOUSE OF REPRESENTATIVES JUDICIARY  
22          COMMITTEE; WALLACE H. JORDAN, IN HIS  
23          OFFICIAL CAPACITY AS CHAIRMAN OF THE HOUSE  
24          OF REPRESENTATIVES ELECTIONS LAW  
25          SUBCOMMITTEE; HOWARD KNAPP, IN HIS  
              OFFICIAL CAPACITY AS INTERIM EXECUTIVE  
              DIRECTOR OF THE SOUTH CAROLINA STATE  
              ELECTION COMMISSION; JOHN WELLS, JOANNE  
              DAY, CLIFFORD J. EDLER, LINDA MCCALL,  
              AND SCOTT MOSELEY, IN THEIR OFFICIAL  
              CAPACITIES AS MEMBERS OF THE SOUTH  
              CAROLINA STATE ELECTION COMMISSION,

              Defendants.

22          -----x  
23          STENOGRAPHIC REMOTE VIRTUAL DEPOSITION  
24          CHARLES TERRENI  
25          Tuesday, August 16, 2022

<p>1</p> <p>2 August 16, 2022</p> <p>3 9:56 a.m.</p> <p>4</p> <p>5</p> <p>6 T R A N S C R I P T of the</p> <p>7 stenographic remote virtual deposition</p> <p>8 of CHARLES TERRENI, pursuant to the</p> <p>9 Federal Rules of Civil Procedure, held</p> <p>10 remotely on Tuesday, August 16, 2022,</p> <p>11 commencing at approximately 9:56 a.m.</p> <p>12 (EST), reported by and before Erica</p> <p>13 Ruggieri, a Registered Professional</p> <p>14 Reporter, Certified Court Reporter,</p> <p>15 and Notary Public of the State of New</p> <p>16 York and New York.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 2</p> <p>1</p> <p>2 APPEARANCES OF COUNSEL: (Cont'd)</p> <p>3 (Via Videoconference)</p> <p>4</p> <p>5 ATTORNEYS FOR THOMAS C. ALEXANDER, IN HIS</p> <p>6 OFFICIAL CAPACITY AS PRESIDENT OF THE</p> <p>7 SENATE; LUKE A. RANKIN, IN HIS OFFICIAL</p> <p>8 CAPACITY AS CHAIRMAN OF THE SENATE</p> <p>9 JUDICIARY COMMITTEE;</p> <p>10 ROBINSON GRAY STEPP &amp; LAFFITTE, LLC</p> <p>11 BY: VORDMAN CARLISLE TRAYWICK III, ESQ.</p> <p>12 1310 Gadsden Street</p> <p>13 PO Box 11449</p> <p>14 Columbia, SC 29211</p> <p>15 (803) 231-7810</p> <p>16 ltraywick@robinsongray.com</p> <p>17</p> <p>18 ATTORNEYS FOR ELECTION DEFENDANTS:</p> <p>19 BURR &amp; FORMAN, LLP</p> <p>20 BY: JANE W. TRINKLEY, ESQ.</p> <p>21 1221 Main Street, Suite 1800</p> <p>22 Columbia, South Carolina 29201</p> <p>23 803-799-9800</p> <p>24 jtrinkley@burr.com</p> <p>25</p>
<p>1</p> <p>2 APPEARANCES OF COUNSEL:</p> <p>3 (Via Videoconference)</p> <p>4</p> <p>5 ATTORNEYS FOR THE PLAINTIFFS:</p> <p>6 THE SOUTH CAROLINA STATE CONFERENCE OF</p> <p>7 THE NAACP AND MOON DUCHIN, PHD:</p> <p>8 NAACP LEGAL DEFENSE &amp; EDUCATIONAL FUND, INC.</p> <p>9 BY: LEAH C. ADEN, ESQ.</p> <p>10 JOHN CUSICK, ESQ.</p> <p>11 40 Rector Street, Fifth Floor</p> <p>12 New York, New York 10006</p> <p>13 (917) 858-2870</p> <p>14 laden@naacpldf.com</p> <p>15 jcusick@naacpldf.org</p> <p>16</p> <p>17 ATTORNEYS FOR THE HOUSE DEFENDANTS:</p> <p>18 NEXSEN PRUET, LLC</p> <p>19 BY: ANDREW MATHIAS, ESQ.</p> <p>20 104 South Main Street, Suite 900</p> <p>21 Greenville, South Carolina 29601</p> <p>22 (864) 370-2211</p> <p>23 amathias@nexsenpruet.com</p> <p>24</p> <p>25</p>	<p>Page 3</p> <p>1</p> <p>2 APPEARANCES OF COUNSEL: (Cont'd)</p> <p>3 (Via Videoconference)</p> <p>4</p> <p>5 ATTORNEYS FOR SENATE DEFENDANTS:</p> <p>6 ARNOLD &amp; PORTER</p> <p>7 BY: JOHN GORE, ESQ.</p> <p>8 601 Massachusetts Ave NW</p> <p>9 Washington DC 20001</p> <p>10 (202) 942-5796</p> <p>11 john.gore@arnoldporter.com</p> <p>12 -and-</p> <p>13 ROBINSON GRAY STEPP &amp; LAFFITTE, LLC</p> <p>14 BY: CYNTHIA NYGORD, ESQ.</p> <p>15 1310 Gadsden Street</p> <p>16 PO Box 11449</p> <p>17 Columbia, South Carolina 29211</p> <p>18 (803) 231-7810</p> <p>19 cnygord@robinsongray.com</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

2 (Pages 2 - 5)

<p>1                   TERRENI      2 CHARLES TERRENI,      3 called as a witness, having been      4 duly sworn by a Notary Public, was      5 examined and testified as follows:      6 EXAMINATION BY      7 MS. ADEN:      8       Q. Good morning, Mr. Terreni.      9 I am Leah Aden. It's nice to see      10 you.      11     A. Nice to see you again.      12     Q. I am currently, as you may      13 know, representing Plaintiffs in the      14 current challenge to certain      15 congressional districts and      16 Plaintiffs are the South Carolina      17 NAACP and Mr. Tai Scott.      18     Do you mind going ahead and      19 stating your name and spelling it      20 for the record, please?      21     A. Certainly. It's Charles,      22 C-H-A-R-L-E-S. Terreni,      23 T-E-R-R-E-N-I.      24     Q. So the correct      25 pronunciation is Terreni?</p>	<p>Page 6</p> <p>1                   TERRENI      2 for your knowledge, Mr. Terreni,      3 that Ms. Nygord is on the staff      4 team for one of the plaintiff      5 counsel, I believe the Senate      6 defendant team. You may be      7 familiar but just so you know who      8 is on the line and I believe that      9 is everyone.</p> <p>10    Q. Mr. Terreni, you are a      11 lawyer; is that correct?</p> <p>12    A. Yes, ma'am.</p> <p>13    Q. But you are represented      14 here today. Is that also correct?</p> <p>15    A. It is.</p> <p>16    Q. And who represents you?</p> <p>17    A. John Gore and Lisle      18 Traywick.</p> <p>19    Q. And they are with the Jones      20 Day law firm?</p> <p>21    A. John Gore is with the Jones      22 Day law firm. Lisle Traywick is      23 with, they changed their name      24 recently, maybe he will refresh my      25 memory. Robinson Gray.</p>
<p>1                   TERRENI      2       A. That's fine.      3     MS. ADEN: And I'd like to      4 take a moment and ask everyone who      5 is representing parties in the case      6 to also go ahead and state their      7 name for the record beginning with      8 counsel for the plaintiffs.      9       MR. CUSICK: Good morning.      10 This is John Cusick also with LDF      11 on behalf of the Plaintiffs.      12     MS. ADEN: Mr. Gore, would you      13 go next, please.      14     MR. GORE: Sure. John Gore      15 for the Senate Defendants.      16     MR. TRAYWICK: Lisle Traywick      17 of Robinson Gray also for the      18 Senate Defendants.      19     MS. TRINKLEY: Jane Trinkley      20 with Burr &amp; Forman for the Election      21 Defendants.      22     MR. MATHIS: Andrew Mathias of      23 Nexsen Pruet for the individual      24 House Defendants.      25     MS. ADEN: And I believe just</p>	<p>Page 7</p> <p>1                   TERRENI      2       Q. Gray?      3       A. Yeah.      4       Q. Have you taken depositions      5 before?      6       A. Yes.      7       Q. About how many times?      8       A. Couple dozen at least.      9       Q. So just so that we are on      10 the same page despite your having      11 taken depositions before, I'm going      12 to identify some basic ground rules      13 for how this deposition will proceed      14 today so we are on the same page.      15       You have been sworn in so you      16 are testifying under oath which      17 means that you are testifying as if      18 you are before a judge in a      19 courtroom with the same duty to      20 answer questions truthfully.      21       Do you understand?      22       A. Yes.      23       Q. And a court reporter,      24 Ms. Ruggieri, whose name I may      25 already mispronounced already is</p>

<p style="text-align: right;">Page 162</p> <p>1           TERRENI      2       A. Yeah, it is.      3       Q. So with respect to many of      4       these that we just described it's a      5       factual question whether or not they      6       are split or not split, whole or not      7       split whole and your view --      8       Yes, I'm sorry?      9       A. No, I was nodding along,      10      sorry, go ahead.      11      Q. And then it becomes a legal      12     question in your view about whether      13     or not that split or that keeping of      14     a district as similar, you know, the      15     amount of how a district retains or      16     is not -- or is different from a      17     benchmark plan the degree to whether      18     or not that happens or if that      19     happens is a legal question in your      20     view or whether it's appropriate for      21     it to split or not split, whether      22     it's appropriate to retain this much      23     or that little, for you that's a      24     legal question of how the courts      25     will view those decisions?</p>	<p style="text-align: right;">Page 164</p> <p>1           TERRENI      2       might have done an analysis of how      3       many splits there were of a      4       particular county or city, and you      5       might have both shared that data      6       with Jones Day and asked whether or      7       not that is defensible, both of      8       those could have been done in the      9       context of your communications with      10      Jones Day?      11      MR. GORE: I'm just going to      12     put an objection on the record. We      13     are getting really close to topics      14     and conversations that may have      15     been covered by attorney-client      16     privilege. So if the witness can      17     answer that without divulging      18     privileged conversations, he can do      19     so.      20      A. I'm sorry, can you repeat      21      that question?      22      Q. Yes. Would you have on      23      behalf of the Senate have asked      24      Jones Day or have shared with Jones      25      Day factual information about the</p>
<p style="text-align: right;">Page 163</p> <p>1           TERRENI      2       A. Yes.      3       MR. GORE: Object to form.      4       You can answer.      5       A. Thank you. The      6       appropriateness or the legality, the      7       defensibility of one feature or      8       another of the plan would be core      9       constituency splitting counties, the      10      circumstances under which it's done,      11      the reasons for it, I think those      12      are legal questions, at least in the      13      context that they were posed to      14      Mr. Gore.      15      The fact that a plan splits a      16      county five times that's sort of a      17      factual issue that's generated on      18      Maptitude before. So are these      19      concepts like communities of      20      interest, I think they are a little      21      hazier, but I think it's safe to say      22      I didn't rely on Mr. Gore for his      23      knowledge of South Carolina.      24      Q. But you might ask -- you      25      might -- is it fair to say that you</p>	<p style="text-align: right;">Page 165</p> <p>1           TERRENI      2       number of splits in a particular      3       plan?      4       A. Yeah.      5       Q. Would you have asked Jones      6       Day to confirm whether those numbers      7       that you shared were accurate or      8       not?      9       A. No.      10      Q. You would -- would you have      11      expected that they would have      12      checked the accuracy of data that      13      you shared with them?      14      A. No.      15      Q. But you would have asked      16      them whether or not that number of      17      splits is defensible or not, is that      18      fair to say?      19      A. I could have, yeah. I      20      could have. I mean I -- when it      21      comes to a number of splits I mean      22      we had Maptitude and Will Roberts      23      for that. I didn't need John Gore      24      for that. You know, the Senate plan      25      with various attributes and I'd say</p>

42 (Pages 162 - 165)

<p style="text-align: right;">Page 166</p> <p>1           <b>TERRENI</b></p> <p>2   the question generally was give us 3   your legal opinion whether this plan 4   complies with redistricting law and 5   whether it will be defensible in 6   litigation.</p> <p>7   Q. Just to be clear, any of 8   the plans that you would have sent 9   to Jones Day would have included 10   statistical data that captured some 11   racial demographics?</p> <p>12   A. No. It could have. It 13   didn't necessarily. It's possible. 14   Often do. But not -- we wouldn't 15   have mandate. It wasn't pertinent 16   to the question so we probably 17   wouldn't have sent it. I don't 18   know.</p> <p>19   Q. Looking back at this 20   retainer letter.</p> <p>21   A. Yes, ma'am.</p> <p>22   Q. How would you have 23   communicated or reported to Chairman 24   Rankin, by phone, by text, by email 25   or combination thereof?</p>	<p style="text-align: right;">Page 168</p> <p>1           <b>TERRENI</b></p> <p>2   Q. Who did you send the bill 3   to?</p> <p>4   A. The bill goes to Andy 5   Fiffick and the Senate clerk.</p> <p>6   Q. Is it fair to say that 7   based upon this retainer you bill on 8   a monthly basis?</p> <p>9   A. I generally do, yes.</p> <p>10   Q. Okay. Do you know the 11   source of those funds?</p> <p>12   A. The State of South 13   Carolina.</p> <p>14   Q. And this is, reflects a 15   retainer from December 30, 2019, is 16   that fair to say? At the top of 17   South Carolina Senate?</p> <p>18   A. Yes, ma'am.</p> <p>19   Q. 4353, it's dated 20   December 30, 2019?</p> <p>21   A. Yes, ma'am.</p> <p>22   Q. Do you know approximately 23   how much you have billed for your 24   work on redistricting under this 25   retainer since December 30, 2019?</p>
<p style="text-align: right;">Page 167</p> <p>1           <b>TERRENI</b></p> <p>2   A. Combination. And in 3   person.</p> <p>4   Q. Are you still employed by 5   the Senate?</p> <p>6   A. I never was employed by the 7   Senate unless you count my time as a 8   Senate page. I'm under contract. 9   Is the Senate paying my bills now, 10   yeah.</p> <p>11   Q. Are you still -- is this 12   retainer agreement still in effect 13   with respect to your work with the 14   Senate?</p> <p>15   A. Yes.</p> <p>16   Q. Looking at the second 17   paragraph it reflects your hourly 18   rate?</p> <p>19   A. Yes.</p> <p>20   Q. And shares the process by 21   which you will bill for your work on 22   behalf of the Senate. Who do you 23   bill?</p> <p>24   A. The Senate. I mean 25   specifically?</p>	<p style="text-align: right;">Page 169</p> <p>1           <b>TERRENI</b></p> <p>2   A. No, ma'am.</p> <p>3   Q. Would it be fair to say 4   that you have at least attempted to 5   on a monthly basis provide bills to 6   the Senate, Andy Fiffick or someone 7   else, on a monthly basis since 8   December 30, 2019?</p> <p>9   A. Generally speaking. If 10   there was a month without a lot of 11   work I might have held the bill 12   until the next month, but we 13   generally bill monthly.</p> <p>14   Q. Do you know whether your 15   monthly bills, would they range in 16   amount of \$5,000, \$10,000, \$20,000?</p> <p>17   A. It would vary. I mean back 18   in 2019 they might have been very 19   small. During -- after the PL data 20   came out they would have been 21   substantially more because I was 22   spending more time. I don't really 23   -- I mean -- that's my answer. I 24   don't know.</p> <p>25   Q. Between November and</p>

<p>1                   <b>TERRENI</b></p> <p>2 aware, was there any vote to deviate 3 from these guidelines during this 4 past redistricting cycle?</p> <p>5     A. Not that I'm aware of.</p> <p>6     Q. Based upon the stated 7 purpose would you agree that the 8 public would reasonably look to this 9 document to understand the criteria, 10 the guidelines, the Senate would be 11 perhaps identified as useful to 12 developing proposals by the 13 legislature?</p> <p>14    A. Yeah.</p> <p>15    Q. And to evaluate the map 16 ultimately enacted by the 17 legislature?</p> <p>18    A. They would be one -- there 19 would be one measure. I mean a 20 number of people submitted very 21 different policy proposals that they 22 asserted complied with the 23 guidelines. And certainly with the 24 more objective measures such as plus 25 or minus one and that kind of thing.</p>	<p>Page 178</p> <p>1                   <b>TERRENI</b> 2 our community. It's Bates stamped 3 South Carolina Senate 3745. 4     A. Um-hmm. 5     Q. Have you found that 6 document? 7     A. I have. 8       (Plaintiffs' Exhibit 10, South 9 Carolina Senate Redistricting 10 Subcommittee 2021 Public Hearings, 11 Bates South Carolina Senate 3745, 12 marked for identification, as of 13 this date.) 14    Q. Do you recognize this 15 document? 16    A. Yes. 17    Q. Did you help create it? 18    A. I may have. 19       Q. Can you read into the 20 record the first two sentences under 21 Redistricting Guidelines beginning 22 with "Redistricting guidelines or 23 criteria"? 24    A. Yes. "Redistricting 25 guidelines or criteria are the rules</p>
<p>1                   <b>TERRENI</b></p> <p>2 They did. I mean but they were very 3 different. I mean so I'm not 4 sure -- yes, the public would look 5 to these guidelines but then express 6 their policy differences through the 7 guidelines. In other words, they 8 might say well, no, I think my map, 9 which is, complies with the 10 guidelines, is a threshold matter is 11 a better policy choice than somebody 12 else's map just as you did versus 13 other maps that were for your 14 organization versus other maps that 15 were submitted.</p> <p>16    Q. Did you or the Senate 17 present the guidelines to the public 18 as rules for how the maps would be 19 judged?</p> <p>20    A. I don't recall using that 21 language, no.</p> <p>22    Q. Let's look at tab 49, which 23 is a document titled South Carolina 24 Senate Redistricting Subcommittee 25 2021 Public Hearings. Tell us about</p>	<p>Page 179</p> <p>1                   <b>TERRENI</b> 2 of the road for how district lines 3 are redrawn in accordance with 4 state's population. Criteria is 5 intended to make the districts easy 6 to identify and understand and to 7 ensure fairness and consistency." 8     Q. So based upon this document 9 do you have any reason to disagree 10 that this document was publicized by 11 the Senate Judiciary Redistricting 12 Subcommittee during this last round 13 of redistricting? 14    A. No. 15    Q. And is it fair to say that 16 this document that was publicized 17 identified the redistricting 18 guidelines as rules of the road for 19 how lines will be redrawn? 20    A. Yeah. The rules of the 21 road for how lines would be drawn, 22 they are not the exclusive criteria 23 for how lines will be judged and I 24 feel confident everybody understood 25 that because they submitted vastly</p>

46 (Pages 178 - 181)

<p>1                   TERRENI</p> <p>2     Q. Did Adam Kincaid see this</p> <p>3 initial staff plan before it was</p> <p>4 publicized?</p> <p>5     A. No.</p> <p>6     Q. Did Reagan Kelly see this</p> <p>7 initial staff plan before it was</p> <p>8 publicized?</p> <p>9     A. I'm almost certain he did</p> <p>10 not because Reagan really expressed</p> <p>11 at the beginning of the</p> <p>12 congressional process that he</p> <p>13 wanted -- he really didn't want</p> <p>14 anything to do with it.</p> <p>15    Q. He really didn't want to</p> <p>16 what?</p> <p>17    A. That he wasn't going to be</p> <p>18 involved in the congressional</p> <p>19 process. The only hedging I'm</p> <p>20 getting is Reagan, certainly if</p> <p>21 Reagan had walked in the room we</p> <p>22 wouldn't -- knocked on the door and</p> <p>23 wanted to come in we wouldn't have</p> <p>24 turned him away, but I don't recall</p> <p>25 him seeing it and I don't believe he</p>	<p>Page 294</p> <p>1                   TERRENI</p> <p>2     A. I believe so, yes.</p> <p>3     Q. But Jasper County is a</p> <p>4 considered part of the black belt in</p> <p>5 South Carolina?</p> <p>6     A. Jasper County is a</p> <p>7 significant African-American</p> <p>8 population. I don't recall its</p> <p>9 present demographics. There's been</p> <p>10 a lot of spread out in Hilton Head</p> <p>11 so I don't want to qualify that.</p> <p>12 But generally speaking, yes, it</p> <p>13 would be -- it would have a larger</p> <p>14 African-American population than Sun</p> <p>15 City, that's for sure.</p> <p>16    Q. Do you know whether at any</p> <p>17 point in developing the initial</p> <p>18 staff plan or frankly any point</p> <p>19 while the Senate was considering</p> <p>20 congressional redistricting whether</p> <p>21 anyone attempted to draw a Second</p> <p>22 District in which black voters were</p> <p>23 the majority of the district?</p> <p>24    A. From the Senate staff or</p> <p>25 the public submissions?</p>
<p>1                   TERRENI</p> <p>2 did.</p> <p>3     Q. As the initial staff plan</p> <p>4 was being developed, how was -- are</p> <p>5 you aware of how Will Roberts or any</p> <p>6 other Senate staffer was factoring</p> <p>7 in the information received during</p> <p>8 the public comment period?</p> <p>9     A. Oh, he was there. He heard</p> <p>10 it. He would have distilled it.</p> <p>11 There were little details. You</p> <p>12 know, an example that we all thought</p> <p>13 of was there were members of Sun</p> <p>14 City in Jasper County who expressed</p> <p>15 a strong preference for remaining in</p> <p>16 the same district with the remainder</p> <p>17 of Sun City, which was largely</p> <p>18 Beaufort County. So you'll see that</p> <p>19 little protrusion in Jasper. That</p> <p>20 was the result of public testimony.</p> <p>21 So some of these features would be</p> <p>22 absorbed in that way.</p> <p>23    Q. Did Sun -- are the</p> <p>24 demographics of Sun City largely</p> <p>25 majority white?</p>	<p>Page 295</p> <p>1                   TERRENI</p> <p>2     Q. Senate staff.</p> <p>3     A. I don't believe anyone</p> <p>4 purposefully set up to draw a black</p> <p>5 majority District 6. I don't recall</p> <p>6 if anyone drew a map in the course</p> <p>7 of map drawing that was black</p> <p>8 majority. That might not have been</p> <p>9 the goal as far as I'm aware.</p> <p>10    Q. My question I think was a</p> <p>11 little bit different. But whether</p> <p>12 outside of CD 6 whether anyone --</p> <p>13 let's stop for a second. CD 6 prior</p> <p>14 to this enacted map was a district</p> <p>15 above 50 percent majority of black</p> <p>16 voters under some measure of black</p> <p>17 that the census provides?</p> <p>18    A. Under the 2010 census that</p> <p>19 certainly is the case. I don't</p> <p>20 recall, Ms. Aden, if CD 6 was</p> <p>21 majority black under the PL data</p> <p>22 that was released. In other words,</p> <p>23 prior CD 6 I don't know if there was</p> <p>24 a majority district or at least a</p> <p>25 BVAP majority district under the PL</p>

75 (Pages 294 - 297)

<p>1                   TERRENI 2 preferences of and various features 3 of the map. Features of the map 4 that were inherited from the court. 5       Q. Like with the initial staff 6 map do you know whether Senate 7 Amendment 1 was shared with Jones 8 Day before it was released to the 9 public?</p> <p>10      A. Senate Amendment 1? 11      Q. Um-hmm. 12      A. Probably. Most likely. 13      Q. Can you describe briefly 14 the process for how the initial 15 Senate staff plan was modified to 16 become Senate Amendment 1? 17      A. Well, it was replaced at a 18 subcommittee. There was a hearing 19 held by the subcommittee. There was 20 public testimony on the plan, 21 various members came and inquired 22 about it, maybe shared concerns 23 about it, maybe suggested things 24 that should or shouldn't be done. 25 And ultimately the amendment</p>	<p>Page 334</p> <p>1                   TERRENI 2 And there were some other 3 features, like Beaufort was kept in 4 the First District with Charleston, 5 Berkeley or at least partially 6 Charleston. I mean there were -- I 7 could go on. I don't know -- you 8 tell me.</p> <p>9       Q. Were there any other key 10 criteria that you think guided the 11 Senate Amendment 1?</p> <p>12      A. The criteria were the 13 criteria. Was there any other key 14 input that guided Senate Amendment 15 1, there might have been. Again, 16 I'm distinguishing between criteria 17 as the criteria adopted by the 18 subcommittee and political decisions 19 that were made by the membership in 20 the development of the map. I think 21 those are two different things.</p> <p>22      Q. You mentioned Sun City 23 earlier being responded to in terms 24 of that white majority area being 25 kept together in Jasper County?</p>
<p>1                   TERRENI 2 emerged. Maybe even the staff had 3 some ideas about how we could build 4 on it. I believe at some point we 5 understood that Berkeley County 6 could be kept whole, for instance, 7 and so we did it.</p> <p>8       Q. Was that a priority to keep 9 Berkeley whole?</p> <p>10      A. No, it wasn't a specific 11 priority to keep Berkeley whole. 12 No, it was just a feature.</p> <p>13      Q. What were the priorities of 14 Senate Amendment 1 as far as you can 15 recall?</p> <p>16      A. Well, they preserved the 17 course of the existing districts in 18 a way that most other plans didn't. 19 I think for some members there was a 20 political consideration and they at 21 least preserved the competitive 22 nature of District 1 and its 23 viability for a Republican 24 candidate. There's certainly no 25 guarantee.</p>	<p>Page 335</p> <p>1                   TERRENI 2 A. Yes. 3       Q. Do you, sitting here today, 4 believe that the community in 5 Charleston was kept whole and 6 responded to in the same way as 7 those in Sun City?</p> <p>8       MR. GORE: Objection. 9 Mischaracterizes his testimony. 10      A. Yeah, that's certainly not 11 my testimony.</p> <p>12      Q. That's a question. Do you 13 think that --</p> <p>14      A. I don't think they are 15 comparable.</p> <p>16      Q. You don't think they are?</p> <p>17      A. Comparable.</p> <p>18      Q. How come?</p> <p>19      A. We are talking about a 20 sliver of Jasper County. I don't 21 remember the specific population but 22 it was de minimis. It is part of 23 the same -- as far as I know even 24 enclosed but it's certainly the same 25 planned community that has its bulk</p>

85 (Pages 334 - 337)

<p>1                   TERRENI      2 in Berkeley County so -- I mean      3 Beaufort County. So it really      4 wasn't a stretch to say we are going      5 to take Sun City and loop in this      6 little nub at the top of -- at the      7 bottom of Jasper County, top of      8 Beaufort, and keep the Sun City      9 place together. It's only -- I      10 don't know, but they certainly --      11 they have the same roads, they have      12 the same community events for its      13 connectivity. That seemed like a      14 fairly reasonable conclusion to      15 reach and it was not going to have      16 any kind of major political impact      17 on anybody one way or the other. So      18 we didn't see it as something that      19 would impact the Sixth District or      20 the First District one way or the      21 other. It was not a big enough      22 situation.      23                 Charleston is very different.      24 Charleston in its current      25 configuration, you know, at least</p>	<p>Page 338</p> <p>1                   TERRENI      2 by the people voting on the plans.      3 It's not for me to say.      4 MS. ADEN: Can we take a      5 five-minute so I can streamline      6 with the time that's remaining?      7                 THE WITNESS: Fine with me.      8 MS. ADEN: Could we go to 5:05      9 just to be even. That would be      10 helpful.      11                 THE WITNESS: Sure.      12                 (Whereupon, there is a recess      13 in the proceedings.)      14 Q. If I can have you look at      15 tab 5, which is a transcription of      16 -- which is a transcription of the      17 January 13, 2022, Senate Judiciary      18 hearing transcribed by a court      19 reporter service. This would be      20 Plaintiffs' Exhibit 20. And if you      21 could turn to page 18 in the top      22 right-hand corner.      23                 (Plaintiffs' Exhibit 20,      24 Transcription of 1/13/2022 Senate      25 Judiciary hearing, marked for</p>
<p>1                   TERRENI      2 the beginnings of it were drawn by      3 the United States District Court.      4 And Charleston County, as far as I      5 know, has never been unified in a      6 congressional district in, certainly      7 since single member districts maybe.      8 I stand corrected. If we go before      9 2000, my memory is fading a little      10 bit.      11                 So no, I don't think there's a      12 comparison between, given the      13 peninsula of Charleston County in      14 District 1, I think they are apples      15 and oranges.      16                 Q. If Charleston could be kept      17 whole in CD 1, comply with the      18 Senate's stated criteria, keep CD 7      19 untouched, largely untouched, would      20 the major political concern that      21 remains be making CD 1 not      22 Republican leading?      23                 A. It's in the eye of the      24 beholder. I mean it's a -- well,      25 that's a policy decision to be made</p>	<p>Page 339</p> <p>1                   TERRENI      2 identification, as of this date.)      3 Q. Beginning at line 3.      4 A. I'm sorry, Ms. Aden, could      5 you identify what hearing is this?      6 Q. This is the January 13,      7 2022, Senate redistricting hearing.      8 A. The subcommittee?      9 Q. Yes.      10 A. And where did you want me      11 to go?      12 Q. To page 18, line 3. 18 in      13 the top right-hand corner, it's      14 South Carolina NAACP CD 19952.      15 A. Okay.      16 Q. Were you present at this      17 hearing?      18 A. I believe I was, yes.      19 Q. And you identified      20 Mr. Opperman earlier as someone who      21 worked with Senator Harpootlian, is      22 that fair?      23 A. Yes. I want to say that he      24 may have worked with some other      25 folks too. I'm not being cute, I</p>

86 (Pages 338 - 341)

<p>1                   <b>TERRENI</b></p> <p>2     Q. Yes. And is that South</p> <p>3     Carolina Senate 3260 to 326 --</p> <p>4     A. I have to 368, yes, yes,</p> <p>5     I'm sorry. It begins with 60 and</p> <p>6     ends with 68.</p> <p>7       (Plaintiffs' Exhibit 23, Email</p> <p>8       from Will Roberts to Mr. Opperman,</p> <p>9       Bates South Carolina Senate 3260 to</p> <p>10      3268, marked for identification, as</p> <p>11      of this date.)</p> <p>12     Q. And this is from Will</p> <p>13     Roberts to Mr. Opperman copying Andy</p> <p>14     Fiffick. You are not copied on this</p> <p>15     email; is that correct?</p> <p>16     A. I don't appear to be, no.</p> <p>17     Q. Do you recall seeing this?</p> <p>18     A. As I said before, I was</p> <p>19     aware that Will ran these reports</p> <p>20     and I think I saw these reports,</p> <p>21     yeah.</p> <p>22     Q. If you can go to 3264,</p> <p>23     which is pdf pages 5 of 9, there's</p> <p>24     an analysis of each of the districts</p> <p>25     and the share, the total number of</p>	<p>Page 362</p> <p>1                   <b>TERRENI</b></p> <p>2     A. Yes, ma'am.</p> <p>3       Q. On January 19, 2022, the</p> <p>4       full Senate Judiciary Committee held</p> <p>5       a hearing on congressional</p> <p>6       redistricting. I want to ask you to</p> <p>7       look at tab 25, which is an email</p> <p>8       from Will Roberts to Andy Fiffick</p> <p>9       dated January 16, 2022. This will</p> <p>10      be Plaintiffs' Exhibit 24. And the</p> <p>11      subject is analysis for Senator</p> <p>12      Campsen with an attachment that says</p> <p>13      notes on Senate Amendment 1.</p> <p>14       (Plaintiffs' Exhibit 24, Email</p> <p>15       from Will Roberts to Andy Fiffick,</p> <p>16       marked for identification, as of</p> <p>17       this date.)</p> <p>18     A. Yes.</p> <p>19     Q. Do you recall this email</p> <p>20     and attached analysis?</p> <p>21     A. No.</p> <p>22     Q. Would an analysis such as</p> <p>23     this where it appears that or would</p> <p>24     you agree that Will Roberts appears</p> <p>25     to have done an analysis of whether</p>
<p>1                   <b>TERRENI</b></p> <p>2     voters and the share of voters for</p> <p>3     Biden as compared to Trump. Would</p> <p>4     you agree?</p> <p>5     A. Yes, ma'am.</p> <p>6     Q. Were these types of</p> <p>7     analysis done, these particular ones</p> <p>8     about the vote shares in each of</p> <p>9     these districts, do you remember</p> <p>10     this one done for Senate Amendment</p> <p>11     1?</p> <p>12     A. I believe so, yes.</p> <p>13     Q. Do you know if it was done</p> <p>14     for the initial staff plan?</p> <p>15     A. Probably.</p> <p>16     Q. And do you know. Well,</p> <p>17     strike that.</p> <p>18     A. It may not have been</p> <p>19     printed but we looked at partisan</p> <p>20     numbers. Specifically these 2020</p> <p>21     Trump/Biden numbers.</p> <p>22     Q. And who gave you those</p> <p>23     numbers or that data to do those</p> <p>24     numbers, is this Vincent, Clark</p> <p>25     Vincent data?</p>	<p>Page 363</p> <p>1                   <b>TERRENI</b></p> <p>2     Senate Amendment 1 complies with one</p> <p>3     person one vote, if you look at</p> <p>4     22529?</p> <p>5     A. Yeah.</p> <p>6     Q. And whether it adheres to</p> <p>7     the Voting Rights Act?</p> <p>8     A. Appears that he did that.</p> <p>9     Q. And whether it avoids</p> <p>10     racial gerrymandering?</p> <p>11     A. He says he did.</p> <p>12     Q. And whether it respects</p> <p>13     contiguity or achieves contiguity</p> <p>14     among districts?</p> <p>15     A. Yes.</p> <p>16     Q. 22560 is talking about</p> <p>17     contiguity?</p> <p>18     A. Yes.</p> <p>19     Q. And it does an analysis of</p> <p>20     communities of interest also on</p> <p>21     22530?</p> <p>22     A. Yes.</p> <p>23     Q. And it also looked at cores</p> <p>24     of existing districts on 22530?</p> <p>25     A. Yes.</p>

<p>1                   TERRENI      2     Q. Mr. Terreni, I'd like to      3     get a little more clarity on your      4     role in the redistricting process.      5     Did you draw any redistricting maps?      6     A. No.      7     Q. Did you draw any      8     redistricting lines?      9     A. No.      10    Q. Did you dictate the drawing      11    of any maps or lines?      12    A. No.      13    Q. So today if you testified      14    that "we" drew a plan, did you      15    meaning to include yourself in the      16    "we" who drew the plan?      17    A. Not in the sense of drawing      18    it. And if I said that, I was being      19    inartful and I appreciate you      20    pointing it out, Mr. Gore.      21    Q. So what did you mean by      22    that?      23    A. What I meant was the Senate      24    redistricting staff and specifically      25    the members -- and the members of</p>	<p>Page 398</p> <p>1                   TERRENI      2     A. Yes, sir.      3     Q. This is the 2021 policy for      4     public plan submissions. Do you      5     recall discussing this with Ms. Aden      6     today?      7     A. I do.      8     Q. Paragraph 2 of this      9     document, the first sentence of that      10    paragraph reads: "The redistricting      11    subcommittee will designate a time      12    period during which it will accept      13    redistricting plans for review and      14    consideration."      15    Did I read that correctly?      16    A. You did.      17    Q. Did the subcommittee      18    designate a time period for      19    accepting plan submissions?      20    A. It did.      21    Q. Were any of the plans      22    emailed by the National Republican      23    Redistricting Trust provided before      24    that deadline?      25    A. No.</p>
<p>1                   TERRENI      2     the Senate drew a plan. Some      3     members of the Senate came in and      4     said I want to see this or that done      5     and I would like that include in the      6     amendment and ultimately -- well,      7     ultimately it's the senator and      8     Senate that draws the plan, it's not      9     staff, but the staff can certainly      10    go through the mechanics of it, the      11    staff drew a staff plan.      12    Did I draw it specifically,      13    no. Was I present while it was      14    being drawn, yes. Did I facilitate      15    the process, yes. Did I dictate      16    where a line went or not, no. Did I      17    convey some institutional knowledge      18    about the preferences of different      19    members or the congressional      20    delegation, yes.      21    Q. Who is the decision-maker      22    as to which plan would be enacted?      23    A. The Senate.      24    Q. Mr. Terreni, can you open      25    tab 1, Plaintiffs' Exhibit 7?</p>	<p>Page 399</p> <p>1                   TERRENI      2     Q. Is that the reason why      3     those plans were not posted on the      4     website?      5     A. Yes. I mean that's --      6     yeah. I mean they were sent to us      7     at the last minute, we looked at      8     them. There wasn't a subcommittee      9     hearing for anybody to comment on.      10    We didn't use them, we didn't      11    consider them and so we didn't post      12    them. I'm not sure a lot of thought      13    was given it to, Mr. Gore.      14    Q. Let me point your attention      15    to paragraph I-B. And the first      16    part of I-B reads: "All plans      17    submitted to and accepted by the      18    redistricting subcommittee will be      19    made part of the public record and      20    will be made available in the same      21    manner as other redistricting      22    subcommittee public records."      23    Did I read that correctly?      24    A. You did.      25    Q. Were the National</p>

<p style="text-align: right;">Page 402</p> <p>1           <b>TERRENI</b></p> <p>2 Republican Redistricting Trust plans</p> <p>3 ever accepted by the redistricting</p> <p>4 subcommittee within the meaning of</p> <p>5 this document?</p> <p>6       A. No, sir.</p> <p>7       Q. Why not?</p> <p>8       A. Because they were never</p> <p>9 accepted and brought before the</p> <p>10 subcommittee for public testimony</p> <p>11 and for questions by the members of</p> <p>12 the subcommittee. They were not</p> <p>13 presented to the subcommittee.</p> <p>14     Q. Do you know whether any</p> <p>15 member of the subcommittee or any</p> <p>16 member of the Senate ever saw those</p> <p>17 plans?</p> <p>18     A. Before or after the</p> <p>19 subcommittee?</p> <p>20     Q. Either.</p> <p>21     A. Before no. Afterwards upon</p> <p>22 request I believe Senator</p> <p>23 Harpootlian saw them. I don't</p> <p>24 believe anybody else wanted to see</p> <p>25 them.</p>	<p style="text-align: right;">Page 404</p> <p>1           <b>TERRENI</b></p> <p>2 defendants, committee members or the</p> <p>3 South Carolina General Assembly or</p> <p>4 communications between you and</p> <p>5 defendants committee members or the</p> <p>6 South Carolina General Assembly."</p> <p>7       Did you ever provide your</p> <p>8 handwritten documents to defendants,</p> <p>9 committee members or the South</p> <p>10 Carolina General Assembly?</p> <p>11     A. No, sir.</p> <p>12     Q. Were your handwritten notes</p> <p>13 communications between you and</p> <p>14 defendants, committee members or the</p> <p>15 South Carolina General Assembly?</p> <p>16     A. No.</p> <p>17     Q. Would you scroll down to</p> <p>18 the next page, page 12 of the</p> <p>19 document, page 15 of the pdf.</p> <p>20     A. Yes, sir.</p> <p>21     Q. Request For Production 2</p> <p>22 calls for "all correspondence and</p> <p>23 documents you received from Mr. Adam</p> <p>24 Kincaid, the National Republican</p> <p>25 Redistricting Trust, Fair Alliance</p>
<p style="text-align: right;">Page 403</p> <p>1           <b>TERRENI</b></p> <p>2       Q. Did it violate any Senate</p> <p>3 redistricting subcommittee policy or</p> <p>4 this document for you and others to</p> <p>5 look at the National Republican</p> <p>6 Redistricting Trust plans?</p> <p>7       A. No, sir.</p> <p>8       Q. Mr. Terreni, can you turn</p> <p>9 to tab 45, Plaintiffs' Exhibit 11?</p> <p>10     A. Yes, sir.</p> <p>11     Q. Is this the subpoena that</p> <p>12 was served on you in this case?</p> <p>13     A. Yes.</p> <p>14     Q. And do you recall earlier</p> <p>15 today discussing with Ms. Aden some</p> <p>16 handwritten notes you took of public</p> <p>17 hearings in 2021?</p> <p>18     A. Yes, sir.</p> <p>19     Q. Can you scroll down to page</p> <p>20 11 of this exhibit?</p> <p>21     A. Yes, sir.</p> <p>22     Q. This is Request For</p> <p>23 Production No. 1 towards the bottom</p> <p>24 of the page. Calls for "all</p> <p>25 documents you provided to</p>	<p style="text-align: right;">Page 405</p> <p>1           <b>TERRENI</b></p> <p>2 America, Magellan Consulting or</p> <p>3 anyone else."</p> <p>4       Were your handwritten notes --</p> <p>5 did I read that correctly?</p> <p>6       A. Yes, sir.</p> <p>7       Q. Were your handwritten</p> <p>8 notes, correspondence or documents</p> <p>9 you received from Mr. Kincaid, the</p> <p>10 National Republican Redistricting</p> <p>11 Trust, Fair Alliance America,</p> <p>12 Magellan Consulting or anyone else?</p> <p>13     A. No, sir.</p> <p>14     Q. Scroll down to Request For</p> <p>15 Production No. 3. This one asks</p> <p>16 again for "all documents you</p> <p>17 provided to or received from</p> <p>18 defendants, committee members or the</p> <p>19 South Carolina General Assembly and</p> <p>20 communications between you and</p> <p>21 defendants, committee members or the</p> <p>22 South Carolina General Assembly</p> <p>23 relating to the following hearings."</p> <p>24       Did I read that correctly?</p> <p>25     A. You did.</p>

102 (Pages 402 - 405)